

Applicant is prepared to submit a terminal disclaimer, and will do so after the rejections based on Norman (and other prior art, if any), have been withdrawn.

The Examiner is encouraged to telephone the undersigned if there are informalities that can be resolved in a phone conversation, or if the Examiner has any ideas or suggestions for further advancing the prosecution of this case.

Respectfully Submitted,



Raymond Sun
Attorney for Applicant
12420 Woodhall Way
Tustin, CA 92782
Tel: 949-252-9180

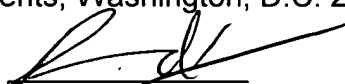
Dated: July 10, 2001

CERTIFICATE OF MAILING

I hereby certify that this paper and its enclosures are being deposited with the United States Postal service as First Class Mail in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231 on the date shown below.

Date: July 10, 2001

By:



Raymond Sun



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U. S. Application of:
TAK MING WAN

Serial No.: 08/017,070

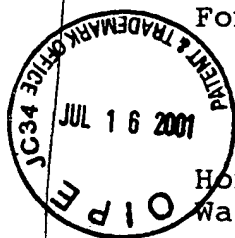
Group Art Unit: 3504

Filed: February 2, 1993

Examiner: C. Smith

For: TENT

Attorney Docket No.: 1743-006



AMENDMENT

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the Office Action mailed September 21, 1993, please amend the above-identified application as follows:

IN THE CLAIMS:

Cancel claim 5.

Add the following new claims 10-15:

10. (New) A foldable tent, having a top, which can be transformed from a fully collapsed configuration to a self supporting expanded configuration and vice versa, the tent comprising three or more joined together wall members, each wall member having a flexible frame formed of a single loop of coilable material when expanded and overlapping loops when collapsed; and a wall panel of foldable material having a peripheral channel for constraining the frame into a generally triangular shape defining two sides, a base and an apex for each wall member with the sides extending between said apex and said base and said apex being located at the top of the

P 30001 03/09/94 08017070

16-1150 030 204

115.00CH

EXPRESS MAIL CERTIFICATION

"Express Mail" label No. TB 389 226 387 US Date of Deposit Feb. 17, 1994. I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

FRANK DIANGELIS

(Type or print name of person mailing paper or fee)

(Signature of person mailing paper or fee)

PENY-170981.1

13

tent when the wall panel is expanded; said sides of each wall member being securely and hingably joined to adjacent sides of adjacent wall members from said apex to said base so that the adjacent sides are held at least generally parallel to one another when the tent is in its expanded configuration.

a
cont

11. (New) A foldable tent, having a top, which can be transformed from a fully collapsed configuration and vice versa, the tent comprising three or more joined together wall members, each wall member having a flexible frame formed of a single loop of coilable material when expanded and overlapping loops when collapsed; and a wall panel of foldable material having a peripheral channel enclosing said frame and constraining the frame into one shape from the group consisting of triangular and rectangular shapes defining two sides and a base for each wall member with the sides extending from the top of the tent to said base when the wall panel is expanded; said sides of each wall member being securely and hingably joined to adjacent sides of adjacent wall members inwardly of said peripheral channel with the adjacent sides held at least generally parallel to and spaced from one another when the tent is in its expanded configuration.

12. (New) A tent according to claim 11 wherein the adjacent sides of adjacent wall members are joined together and spaced from one another by an elongate strip of foldable material extending along and between said adjacent sides.

13. (New) A tent according to claim 12 wherein said elongated strips between adjacent sides of adjacent wall members are connected together at the top of the tent to define a foldable roof panel.

14. (New) A tent according to claim 11 or claim 12 wherein said adjacent sides are joined together from the top of said tent to said base of each wall member.

9.15. (New) A tent according to any one of claims 1, 10, 11 and 12 wherein said sides of each wall member are joined to adjacent sides of adjacent wall members inwardly of said peripheral channel with the peripheral channel and associated frame for each wall member being free of the channel and associated frame of each other wall member.

REMARKS

In the Office Action, the Examiner has rejected claim 5 as being indefinite. This claim has been canceled.

The Examiner has then rejected claims 1-5 and 7 as being anticipated by the patent to Norman. Against the remaining claims 6, 8 and 9, the Examiner has applied the prior art reference to Norman in view of Brady. For the reasons set out below, it is submitted that the Examiner's rejection is unfounded with respect to the claims as originally submitted and also with respect to the new claims presented in the present Amendment.

In the claims, claims 1, 10 and 11 are independent claims. Claims 1 and 11 cover the construction in which the frame shape is triangular or rectangular whereas claim 10 is directed specifically to the triangular shaped construction with the apex of the triangle being at the top of the tent. Claim 11 further differs from claims 1 and 10 in that it specifically defines the location of the hinged joint of the adjacent sides as being inwardly of the peripheral channel of the wall member in which the flexible frame is contained.

Independent claims 1, 10 and 11 distinguish structurally over the constructions disclosed in the Norman patent for a number of reasons. First of all, each of these claims

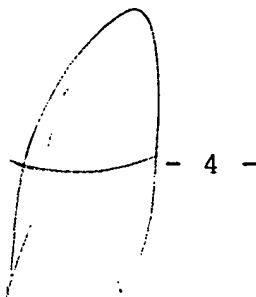
15

requires that each wall member be defined by two sides and a base and that the adjacent wall members are securely hingedly joined along the adjacent sides of the adjacent wall members. With this construction, the adjacent sides of the wall members are held at least generally parallel to one another when the tent is in its expanded configuration. This parallel orientation of the adjacent sides is also defined in each of claims 1, 10 and 11.

In the Norman construction, the members 102 are not joined together at their sides. Instead they are joined together at a top left part 120 and a top right part 122 as shown in Figs. 3 and 5 and as described in the specification at column 6, lines 23-31. It is therefore along the top left and right parts of each member 102 that the members are hingedly connected together by the stitching 130.

what is the difference between Norman and Applicant's invention?
As clearly shown in Figs. 1, 3, 5, 9-11, 18, 20, 22, 26, 30 and 31, each embodiment of the constructions disclosed in Norman is hingedly connected in a similar way to the top of the members rather than to the sides. As shown in these views, the sides are spaced from one another and actually diverge from each other as measured from the top of the tent in a direction toward the base of the tent. The sides clearly do not extend generally parallel to one another.

With the constructions disclosed in Norman, the hinged connection of the members is not sufficient to maintain the tent in its expanded configuration. As clearly disclosed in the Norman patent, additional means is required to hold the tent erected. These means either include a floor member 104 or separate straps 132 connected between the sides of the members 102. In contrast to this, applicant's claimed invention requires that the sides of the adjacent wall members be hingedly joined together. This inherently holds the sides in parallel relation to one another and holds the tent in its expanded configuration without the need of further structure.



In addition, it provides a tent which is basically closed on all sides as opposed to the tent of Norman which is generally open on its sides and only closed by the addition of separate fill panels 552 such as shown in Fig. 26.

With respect to these fill panels 552 and also with respect to the straps 132 shown in Fig. 1, they cannot be considered as functioning to hingedly join the sides of the members 102 together. The members 102 are already hinged together along the top left and top right parts 120, 122 with the frame members 106 immediately adjacent each other. This construction restricts pivoting of the members 102 to pivoting about the hinged top parts.

In view of the above, it is submitted that each of claims 1, 10 and 11 together with the claims dependent thereon patentably distinguish over the Norman patent. In addition, it is submitted that claims 10 and 11 further distinguish over the teachings of the Norman patent for the following reasons:

Claim 10 specifically requires that the frame structure have a triangular shape with the apex of the triangle positioned at the top of the tent and the sides extending between the apex and the base of the wall member. In addition, claim 10 specifically recites that the sides are secured together from the apex to the base of the wall members. This construction is entirely distinguishable from all of the embodiments disclosed in the Norman patent.

In applicant's claimed construction as set forth in claim 10, the wall members when erected into a tent provide a basically closed construction. This is inherently provided by the triangular configuration of the wall members and their orientation with the apex of each member being at the top of the tent. Such a construction is not taught nor even suggested in the patent to Norman.

With respect to claim 11, the hinged joint of the adjacent sides of the wall members is defined as being

positioned inwardly of the peripheral channel of each wall member. This construction is specifically shown in Fig. 4 of the drawings; and as further defined in claim 11, spaces the sides from each other in a generally parallel relationship. This spacing facilitates the collapsing of the sides into stacked relationship with each other in a neat manner.

In the Norman construction, the members 102 are hinged together directly along the pockets 110 in which the frames 106 are positioned. This embodiment is shown in Fig. 7 of Norman where the stitching 130 is used to secure the pockets 110 together. Fig. 8 of Norman does disclose a construction in which the members 102 are connected together below the pockets 110 with the stitching 112, 130. In this embodiment, however, the sides of the members 102 are not spaced from each other, nor could they be in view of the way they are attached by stitching.

In view of the above, it is submitted that claims 10 and 11 further distinguish patentably over the teachings of the patent to Norman.

With regard to the dependent claims, claims 2 and 12 define the construction in which an elongated strip of foldable material extends in the spacing between the adjacent sides of the wall members. Claim 13 further defines a construction in which these strips are connected together at the top of the tent to form a foldable roof panel. This structure provides for a completely solid walled tent structure while still permitting spacing of the sides of the wall members so as to facilitate stacking of the wall members during collapsing of the tent.

Dependent claim 14 is dependent on either of claims 11 and 12 and defines the joining of the sides as extending completely along the sides from the top of the tent to the base.

Finally, dependent claim 15 is similar to claim 11 in defining the connection of the sides as being inwardly of the peripheral channel. Claim 15 further sets forth that with this construction, the peripheral channel and associated frame for each wall member is free of the channel and associated frame of each other wall member. This construction facilitates the twisting of the frame members and therefore the proper collapsing of the tent.

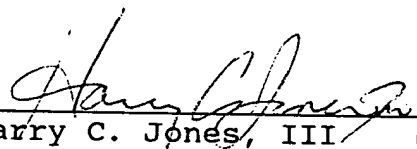
It is submitted that none of the structure discussed above with respect to the dependent claims when considered in combination with the elements of their parent claims is disclosed or taught by the prior art, including the patent to Norman.

With respect to the patent to Brady, the Examiner has relied on this patent for its disclosure of ground ties in a zipper on one of the wall panels. It is submitted that these features of Brady do not cure the basic deficiencies of the patent to Norman, for the reasons discussed above.

In view of the above, it is submitted that all of the claims as now presented are in condition for allowance, early notice of which is respectfully requested.

Respectfully submitted,

Date February 17, 1994


Harry C. Jones, III 20,280
(Reg. No.)

PENNIE & EDMONDS
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

TAK MING WAN

Serial No.: 08/017,070

Group Art Unit: 3504

Filed: February 2, 1993

Examiner: C. Smith

For: TENT

Attorney Docket No.:
1743-006

12/B
PW
10-13 94
(initials)

AMENDMENT PURSUANT TO 37 C.F.R. §1.116

Honorable Commissioner of Patents and Trademarks
BOX AF
Washington, D.C. 20231

Sir:

In response to the Office Action mailed April 1, 1994, the Applicant hereby requests entry the following comments and amendments into the file of the above-identified application.

In the Claims:

1. (amended) A foldable tent, having a top, which can be transformed from a fully collapsed configuration to a self supporting expanded configuration and vice versa, the tent comprising three or more joined together wall members, each wall member having a flexible frame formed of a single loop of coilable material when expanded and overlapping loops

Enter this
Amend
cls

B 1

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on

10/3/94

(date) to facsimile telephone number

1-703-305-3597

Alan A. Fanucci
Alan A. Fanucci

30,256
(Reg. No.)

PBNY2-30A6R1.1

B'
Cont

when collapsed and a wall panel of foldable material having a peripheral channel for constraining the frame into a generally triangular or rectangular shape with two sides and a base for each wall member with the sides extending from the top of the tent to said base when the wall panel is expanded, in which the sides of each wall member are securely and hingably joined to the adjacent sides of adjacent wall members from said top to said base so that the adjacent sides are held at least generally parallel to one another when the tent is in its expanded configuration.

REMARKS

Claims 1-4, 6-9, and 15, as amended, appear in this application for the Examiner's review and consideration. Claims 10-14 have previously been found by the Examiner to be allowable over the prior art of record.

The Applicant wishes to thank Examiner Creighton Smith for the courtesies extended to the Applicant in the telephone conference held on October 3, 1994. In that telephone conference, Examiner Smith agreed that the present amendments to the remaining claims would place all of the claims of the present application in condition for allowance.

The claims have been amended to further clarify the patentably distinct features of the presently claimed invention. All of the amendments are fully supported by the specification. In particular, claim 1 has been amended to further define the wall members such that each wall member is "with the sides extending from the top of the tent to said base." Claim 1 has also been amended to recite that the

adjacent sides of the adjacent wall members are hingably joined "from said top to said base." Further, claim 1 has been amended to include a recitation that the tent has a top.

Claims 1-4, 7 and 15, were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,038,812 to Norman ("Norman"). In the previous amendment, submitted February 17, 1994, the Applicant addressed the patentably distinct features of the present invention over the disclosures of Norman. In order to clarify the present invention, the claims have been amended to recite these distinctive features.

Thus, it is respectfully submitted that, for the arguments set forth in the previous amendment, the amended claims are not anticipated by Norman under 35 U.S.C. §102(b).

Claims 6, 8, and 9 were rejected under 35 U.S.C. §103 as being unpatentable over Norman in view of U.S. Patent No. 5,137,044 to Brady ("Brady"). In light of the present amendments and the arguments set forth in the previous amendment, it is respectfully submitted that the disclosures of Brady do not cure any of the fundamental deficiencies of the patent to Norman.

Thus, it is believed that by this amendment, all rejections to the remaining claims have been overcome. Therefore, the Applicant submits that all of the claims of the present application are now in condition for allowance, early notice of which is respectfully requested.

No fee is believed to be due for the claim changes of this amendment. Should any fees be required, please charge the requisite amount to Pennie & Edmonds' Deposit Account No. 16-1150.

Date

10/3/94

Respectfully submitted,

H. C. Jones (430256)
by O. C. Jones 20,280
Harry C. Jones, III (Reg. No.)

PENNIE & EDMONDS

1155 Avenue of the Americas
New York, New York 10036-2711

(212) 790-9090

Enclosure